

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CRIMINAL ACTION
: NO. 07-604
v. :
: JOHN HERRON :

ORDER

AND NOW, this 18th day of November, 2010, upon consideration of the Motion for Judgment of Acquittal (Document No. 79), the government's response and after argument, it is ORDERED that the motion is GRANTED IN PART and DENIED IN PART.

IT IS FURTHER ORDERED as follows:

1. The jury interrogatory relating to the quantity of the methamphetamine is STRICKEN; and,
2. The United States Probation Office shall revise the pre-sentence investigation report to reflect that the offense in Count Two of which the defendant was found guilty was attempt to manufacture methamphetamine in an unspecified amount, in violation of 21 U.S.C. §§ 846 and 841(a)(1), (b)(1)(C).

/Timothy J. Savage
TIMOTHY J. SAVAGE, J.